
**ENVIRONMENTAL PROTECTION
AGENCY****[OPTS-42018; TSH-FRL 2202-3]****Tris(2-Chloroethyl)phosphite; Decision
Not To Require Testing****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Notice.

SUMMARY: This notice contains EPA's response to the Interagency Testing Committee's recommendation that the Agency require health and environmental effects testing of tris(2-chloroethyl)phosphite (TCEP) under section 4(a) of the Toxic Substances Control Act (TSCA). EPA is not initiating rulemaking under section 4(a) to require testing of TCEP because available data indicate that production and use result in little risk of occupational or consumer exposure, and there is no known release to the environment. In addition, EPA finds no basis for believing that the compound may present an unreasonable risk to human health or the environment.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office, (TS-799), Office of Toxic Substances, Rm. E-511, 401 M Street, SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:**I. Background**

Section 4(e) of TSCA (Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C. 2601 et seq.) established an Interagency Testing Committee (ITC) to recommend a list of chemicals for EPA to consider for promulgation of testing rules under section 4(a) of the Act. The ITC may designate substances for priority consideration by EPA. TSCA requires EPA to respond within 12 months of the date a substance is designated for priority response by either initiating rulemaking under section 4(a) or by publishing reasons in the Federal Register for not initiating rulemaking.

The ITC designated tris(2-chloroethyl)phosphite (TCEP) for priority consideration in its Ninth Report, published in the Federal Register

of February 5, 1982 (47 FR 5456), recommending that it be tested for the following health and environmental effects: Pharmacokinetics and metabolism, subchronic and reproductive effects, chemical fate, and acute toxicity to fish, aquatic invertebrates and algae.

The ITC based its testing recommendations upon reported annual TCEP production volumes of 2.1 to 21 million pounds, its reported use in consumer products, probable disposal of TCEP to the aquatic environment, and its potential for binding to sediment and transport along the food chain. Other factors included evidence of hydrolysis to 2-chloroethanol, a known toxic compound, reported variances in TCEP's acute toxic dose level and the lack of information on metabolism, teratogenicity and reproductive effects, chemical fate and toxicity to aquatic organisms.

This notice constitutes EPA's response to the ITC's designation of TCEP for testing consideration, as required under TSCA section 4(e).

II. Decision Not To Test

EPA has decided that section 4 testing of TCEP is not warranted at this time based on evidence demonstrating extremely limited exposure of TCEP to humans and negligible release to the environment.

There are currently three domestic manufacturers of TCEP. Available information indicates that there is no importation of the chemical since no import data were listed by the U.S. International Trade Commission or in the 1977 TSCA inventory. The Agency's efforts in researching publicly available data bases have yielded little information regarding health effects, production and exposure. Upon request by the Agency, the manufacturers of TCEP submitted information on production, exposure and environmental release. Much of the details submitted were claimed to be confidential business information; however, non-confidential summaries have been prepared and are included in the public record. EPA has critically reviewed this information and has included it as the basis for its decision. This information shows that production is a site-limited, non-continuous (batch) closed system process involving the reaction of phosphorous trichloride with ethylene oxide. To comply with the Occupational Safety and Health Administration (OSHA) regulations controlling the release in the workplace of ethylene oxide and other organics used in the production of TCEP, the production system contains engineering controls

designed to eliminate the release of volatile chemicals such as ethylene oxide. Consequently, TCEP, having a low vapor pressure, is highly unlikely to be released from the production system. When monitoring for release of organic reactants used in production, TCEP was not detected in the production plant's atmosphere (sensitivity = 0.01 ppm) during manufacture while other organics were. No other monitoring data were available.

TCEP is used solely as an intermediate in the manufacture of other products. The chemical may be used in the manufacture of flame-retardant additives for rigid urethane and flexible foams, adhesives and coatings, in the production of ethephon, a plant growth regulator, and in the preparation of extreme pressure lubricants. The principal current use reported for TCEP is in the production of flame retardant additives. Most of the TCEP produced is converted at the TCEP production site to a final product at a conversion efficiency significantly greater than 98 percent. The data also indicate that there is essentially no environmental release of unreacted TCEP from production facilities because of various waste treatment processes. Less than 0.1 percent of the annual volume is sold and is not converted to a final product at the production site. This amount comprises an insignificant volume either alone or when compared with the total annual TCEP yield. Those quantities sold outside the production site are also used as intermediates in the manufacture of products for similar uses, and here again the conversion efficiency to a final product is expected to be quite high. The information also shows that production facilities, including those of secondary users, pose a potential for exposure to fewer than 100 workers per year in total.

In light of its uses, production processes and the limited potential for release and exposure, EPA believes that there will be only minimal exposure to TCEP and negligible environmental release. Because of such limited exposure and release potential, there is no basis for believing that the compound may present an unreasonable risk to humans or the environment. Therefore, EPA believes that the statutory findings necessary to require testing under section 4 for tris(2-chloroethyl)phosphite cannot be made at this time.

III. Public Record

EPA has established a public record for this testing decision (docket number. OPTS-42018) which is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m. on working days in Rm. E-107, 401 M St., SW.,

Washington, DC 20460. The record includes the following information:

1. Federal Register notice containing the designation tris(2-chloroethyl)phosphite to the Priority List.
2. Communications (public, intra-agency, and interagency) consisting of non-confidential memoranda and letters, confidential memoranda and letters (separately held), contact reports of telephone conversations, and meeting summaries.
3. Public comments on the ITC report.
4. Published and unpublished data.
5. Non-confidential summaries prepared by the manufacturers of information they submitted leading to EPA's testing decision.

This record includes all of the information considered by the Agency in developing this decision. Data claimed by the submitter to be Confidential Business Information and protected from disclosure by section 14(a) of TSCA are separately held.

(Sec. 4(a) TSCA (Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C.))

Dated: October 25, 1982.

Anne M. Gorsuch,
Administrator.

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